

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
vs.)
Plaintiff,)
vs.)
JOHN P. STREET,)
Defendant.)
Case No. 04-00298-01-CR-W-GAF

ORDER

Now pending before the Court is defendant John P. Street's Motion to Prohibit the Government From Seeking the Death Penalty Due to Unconstitutionality of Provisions of the Federal Death Penalty Act (Doc. #52).

On December 22, 2005, United States Magistrate Judge Sarah W. Hays issued her Report and Recommendation. On January 2, 2006, defendant filed his objections to the Report and Recommendation.

Upon careful and independent review of the pending motion, defendant's objections to the Magistrate's Report and Recommendation, as well as the applicable law, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of United States Magistrate Judge Sarah W. Hays.

Accordingly, it is hereby ORDERED defendant John P. Street's Motion to Prohibit the Government From Seeking the Death Penalty Due to Unconstitutionality of Provisions of the Federal Death Penalty Act (Doc. #52) is OVERRULED and DENIED.

SO ORDERED.

/s/ Gary A. Fenner
GARY A. FENNER, JUDGE
United States District Court

DATED: January 3, 2006